COMMONWEALTH OF MASSACHUSETTS State Building Code (780 CMR) Appeals Board Board's Ruling on Appeal¹

Docket No. 08-658

Appellant(s): Gregory Carell

VZ.

Appellee(s): City/Town of Maynard

Richard Asmann

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 407.5, for the 197 Main Street, Maynard, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 et. seq.; and 780 CMR 122.3.4, the Board convened a public hearing on November 6, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. Richard Asmann from the Maynard Building Department was present as well.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 407.5, and not require that the new garage have a 4" sill based on the fact that the Maynard Building Official had no objection to the granting of the variance and because the 4" sill would present a hardship and potential safety issue. Testimony revealed several reasons why a 4" sill was not appropriate for the proposed use of the garage. There was a second on the motion and a board vote was taken, which was unanimous. It is noted that this appeal hearing consisted of two BBRS members.

Conclusion

The Appellant's request for a variance from 780 CMR 407.5, is hereby granted and so ordered² on this date: November 6, 2008.

Douglas Semple as

²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108